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I, DAVID SILBERT, declare:

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- 1. I am an attorney licensed to practice law in the State of California and am a partner with the law firm of Keker & Van Nest LLP, located at 633 Battery Street, San Francisco, California 94111, counsel for Defendant Arista Networks, Inc. ("Arista") in the above-referenced action. Unless otherwise stated, the facts I set forth in this declaration are based on my personal knowledge or knowledge I obtained through my review of corporate records or other investigation. If called to testify as a witness, I could and would testify competently to such facts under oath.
- I submit this declaration in support of Cisco System Inc.'s ("Cisco")
 Administrative Motion to File Under Seal Confidential Information in Cisco's Motion for Partial
 Summary Judgment ("Motion to Seal") on July 1, 2016 (ECF No. 331).
- 3. I have reviewed Cisco's Motion to Seal and the Civil Local Rules of this Court governing such motions, and submit this supporting declaration under Civil Local Rule 79-5(e).
- 1. Cisco's Motion to Seal seeks to file under seal documents and information referenced in Cisco's Motion for Partial Summary Judgment (ECF No. 331-3). Cisco's Motion for Partial Summary Judgment is a dispositive motion and therefore there must be "compelling reasons" for protecting information from public disclosure. Kamakana v. City & Cty. of Honolulu, 447 F.3d 1172, 1180 (9th Cir. 2006). Courts have found that "[o]ne factor that weighs in favor of sealing documents [under the compelling reasons standard] is when the release of the document will cause competitive harm to a business." Apple v. Samsung, 727 F.3d 1214, 1221-22 (Fed. Cir. 2013); Apple Inc. v. PsystarCorp., 658 F.3d 1150, 1162 (9th Cir. 2011) ("The publication of materials that could result in infringement upon trade secrets has long been considered a factor that would overcome this strong presumption."); see also Nixon v. Warner Commc'n, Inc., 435 U.S. 589, 598 (1978) ("common-law right of inspection has bowed before the power of a court to insure that its records" are not used as "sources of business information that might harm a litigant's competitive standing"). Where public disclosure of business information could harm a litigant's competitive standing by placing it "in a diminished bargaining position in future negotiations with potential customers and competitors," there is a

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compelling reason to seal the records at issue. Ovonic Battery Co. v. Sanyo Elec. Co., Case No. 14-cv-01637, 2014 WL 2758756, at *2-3 (N.D. Cal. June 17, 2014) (sealing portions of a pleading revealing highly confidential and sensitive financial and other terms of licenses); see also Fed. R. Civ. Proc. 26(c)(1)(G) (permitting sealing of "a trade secret or other confidential research, development, or commercial information"); Krieger v. Atheros Commc'ns, Inc., No. 11-CV-00640-LHK, 2011 WL 2550831, at *1 (N.D. Cal. June 25, 2011) (sealing a presentation by a party's investment advisor because it contained highly "sensitive and confidential information, including long-term financial projections, discussions of business strategy, and competitive analyses"); TriQuint Semiconductor, Inc. v. Avago Techs. Ltd., Case No. 09-cv-1531, 2011 WL 6182346, at *3 (D. Ariz. Dec. 13, 2011) (determining that there was a compelling reason to seal information that revealed the volume of a party's sales). The public interest in access is reduced for materials that are "irrelevant to the Court's decision," even when they are associated with dispositive motions. See, e.g., Network Appliance, Inc. v. Sun Microsystems Inc., No. C-07-06053 EDL, 2010 WL 841274, at *2 (N.D. Cal. Mar. 10, 2010). Such materials are "more akin to the 'unrelated,' non-dispositive motion documents the Ninth Circuit contemplated in Kamakana." Id.

- 4. I submit this declaration to provide additional facts in support of Cisco's Motion to Seal establishing that the "compelling reasons" standard has been met.
- 5. Cisco submitted the Declaration of Sara E. Jenkins in support of its Motion to Seal ("Jenkins Declaration") (ECF No. 331-1) and a highlighted copy of Cisco's Motion for Summary Judgment brief (per Civil L.R. 79-5(d)(1)(D)) indicating the specific text within the brief that should be sealed.
- 6. Paragraph 4 of the Jenkins Declaration lists, in table format, the material that Cisco seeks to file under seal. I address those materials below. Per the instructions provided on the Northern District of California's website, this declaration is drafted so that it does not contain confidential information and does not need to be filed under seal. *See* http://www.cand.uscourts.gov/ecf/underseal.

1	Exhibit	Bates Numbers	Designation	Rationale
2	Number	None	Cigao Highly	Exhibit 1 to the Candido
3	1	None	Cisco Highly Confidential- AEO	Declaration is an internal Arista development
4				document used by Arista engineers. Compelling
5				reasons justify the sealing of Exhibit 1
6				because it contains competitively sensitive
7				confidential information concerning the inner
8				workings of Arista's development process,
9				including source code. Compelling reasons
10				justify the sealing of page 12 lines 24–27 of Cisco's Motion for Partial
11				Summary Judgment
12				because they quote from Exhibit 1.
12	2	None	Cisco Highly	Exhibit 1. Exhibit 2 to the Candido
13	_		Confidential- AEO	Declaration is an internal Arista development
14				document used by Arista
15				engineers. Compelling reasons justify the
16				sealing of Exhibit 2 because it contains
17				competitively sensitive confidential information
18				detailing the inner workings of Arista's
19				development process, including internal Arista
20				software design strategies and source code. Arista
21				is <u>not</u> seeking to seal Cisco's characterizations
22				of Exhibit 2 in Cisco's Motion for Partial
23				Summary Judgment because the motion does
				not disclose these highly
24				confidential details.

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1	Exhibit Number	Bates Numbers	Designation	Rationale
2	3	ANI-ITC-944_945-3354465 –	Confidential	Exhibit 3 to the Candido
3		ANI-ITC-944_945-3354470	Business	Declaration is an internal
3			Information	Arista e-mail message. Compelling reasons
4				justify the sealing of
5				Exhibit 3 because it is a competitively sensitive,
				confidential discussion
6				among Arista engineers
7				concerning the design of Arista software,
				including source code.
8				Arista is <u>not</u> seeking to seal Cisco's
9				characterizations of
10				Exhibit 3 in Cisco's Motion for Partial
				Summary Judgment
11				because the motion does not disclose these highly
12				confidential details.
13	4	ANI-ITC-944_945-3468759 – ANI-ITC-944_945-3468761	Confidential Business	Exhibit 4 to the Candido Declaration is an internal
		ANI-11C-944_943-3408701	Information	Arista e-mail message.
14				Compelling reasons
15				justify the sealing of Exhibit 4 because it is a
16				competitively sensitive,
10				confidential discussion among Arista engineers
17				concerning the design of
18				Arista software, source code, and Arista sales
19				strategies. Arista is not
19				seeking to seal Cisco's characterizations of
20				Exhibit 4 in Cisco's
21				Motion for Partial Summary Judgment
				because the motion does
22				not disclose these highly confidential details.
23		1	1	Composition details.

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1	Exhibit Number	Bates Numbers	Designation	Rationale
2	5	ANI-ITC-944_945-3473603	Confidential	Exhibit 5 to the Candido
3			Business Information	Declaration is an internal Arista e-mail message.
			information	Compelling reasons
4				justify the sealing of
5				Exhibit 5 because it is a competitively sensitive,
				confidential discussion
6				among Arista engineers concerning the design of
7				Arista documentation and
8				customer sales strategies.
0				Arista is <u>not</u> seeking to seal Cisco's
9				characterizations of
10				Exhibit 5 in Cisco's Motion for Partial
				Summary Judgment
11				because the motion does
12				not disclose these highly confidential details.
	6	ANI-ITC-944_945-3599339 –	Confidential	Exhibit 6 to the Candido
13		ANI-ITC-944_945-3599340	Business Information	Declaration is an internal Arista e-mail message.
14			Information	Compelling reasons
1.5				justify the sealing of
15				Exhibit 6 because it is a discussion among Arista
16				engineers concerning the
17				design of Arista software.
1 /				Arista is <u>not</u> seeking to seal Cisco's
18				characterizations of
19				Exhibit 6 in Cisco's Motion for Partial
				Summary Judgment
20				because the motion does not disclose these highly
21				confidential details.
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1	Exhibit Number	Bates Numbers	Designation	Rationale
2	7	ANI-ITC-944_945-3927203 -	Confidential	Exhibit 7 to the Candido
3		ANI-ITC-944_945-3927206	Business Information	Declaration is an internal Arista e-mail message.
4			Information	Compelling reasons justify the sealing of
5				Exhibit 7 because it is a discussion among Arista engineers concerning the
6				design of Arista software, including the results of
7				testing and customer feedback. Compelling
8				reasons justify the
9				sealing of page 11 line 26 through page 12 line 2 of Cisco's Motion for
10				Partial Summary
11				Judgment because they quote from Exhibit 7.
	8	ANI-ITC-944_945-3937682 –	Confidential	Exhibit 8 to the Candido
12		ANI-ITC-944_945-3937685	Business	Declaration is an internal
13			Information	Arista e-mail message. Compelling reasons
1.4				justify the sealing of
14				Exhibit 8 because it is a discussion among Cisco
15				engineers concerning
16				analysis of competitors, internal software design,
				and source code. Arista
17				is <u>not</u> seeking to seal Cisco's characterizations
18				of Exhibit 8 in Cisco's
19				Motion for Partial Summary Judgment
				because the motion does
20				not disclose these highly confidential details.
21		I	1	community details.

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1	Exhibit Number	Bates Numbers	Designation	Rationale
2	9	ARISTANDCA_SW_10599829	Highly Confidential-	Exhibit 9 to the Candido
3		- ARISTANDCA_SW_10599849	Source Code	Declaration is a confidential sales
4				presentation made to a
4				potential customer. Compelling reasons
5				justify the sealing of Exhibit 9 because it
6				contains highly
7				competitively sensitive business information and
				sales strategy that could
8				be exploited by Arista's competitors. Arista is
9				not seeking to seal
10				Cisco's characterizations of Exhibit 9 in Cisco's
11				Motion for Partial
				Summary Judgment because the motion does
12				not disclose these highly confidential details.
13	10	ARISTANDCA10113782 -	Highly Confidential-	Exhibit 10 to the Candido
14		ARISTANDCA10113783	Attorneys' Eyes Only	Declaration is an internal Arista e-mail message.
			3.11. j	Compelling reasons
15				justify the sealing of Exhibit 10 because it is a
16				discussion among Arista business and sales
17				personnel concerning
18				competitively sensitive sales strategy. Arista is
				not seeking to seal
19				Cisco's characterizations of Exhibit 10 in Cisco's
20				Motion for Partial
21				Summary Judgment because the motion does
22				not disclose these highly confidential details.
		<u> </u>		confidential details.

1	Exhibit	Bates Numbers	Designation	Rationale
2	Number 11	ARISTANDCA10193553		Exhibit 11 to the Candido
2	11	ARISTANDCATU195555	Highly Confidential- Attorneys' Eyes	Declaration is an internal
3			Only	Arista e-mail message.
4				Compelling reasons justify the sealing of
اہ				Exhibit 11 because it is a
5				discussion among Arista business personnel
6				concerning sales strategy
7				and competitive analysis.
<i>'</i>				Arista is <u>not</u> seeking to seal Cisco's
8				characterizations of
9				Exhibit 11 in Cisco's Motion for Partial
				Summary Judgment
10				because the motion does
11				not disclose these highly confidential details.
12	12	ARISTANDCA10384101	Highly Confidential-	Exhibit 12 to the Candido
12			Attorneys' Eyes Only	Declaration is an internal Arista e-mail message.
13				Compelling reasons
14				justify the sealing of Exhibit 12 because it is a
				discussion among Arista
15				engineers concerning
16				software design. Arista is <u>not</u> seeking to seal
				Cisco's characterizations
17				of Exhibit 12 in Cisco's Motion for Partial
18				Summary Judgment
19				because the motion does
19				not disclose these highly confidential details.
20	13	ARISTANDCA10443784	Highly Confidential-	Exhibit 13 to the Candido
21			Attorneys' Eyes Only	Declaration is an internal Arista e-mail message.
				Compelling reasons
22				justify the sealing of Exhibit 13 because it is a
23				discussion among Cisco
24				engineers concerning the
				design of Arista software. Compelling reasons
25				justify the sealing of page
26				11 line 3 of Cisco's Motion for Partial
				Summary Judgment
27				because it quotes from Exhibit 13.
28		l	<u> </u>	Lamon 13.

1	Exhibit Number	Bates Numbers	Designation	Rationale
2	14	ARISTANDCA10446381-	Highly Confidential-	Exhibit 14 to the Candido
3		ARISTANDCA10446382	Attorneys' Eyes	Declaration is an internal
3			Only	Arista e-mail message. Compelling reasons
4				justify the sealing of Exhibit 14 because it is a
5				discussion among Cisco
6				engineers concerning the
6				design of Arista software. Compelling reasons
7				justify the sealing of page 11 line 2 of Cisco's
8				Motion for Partial
9				Summary Judgment
9				because it quotes from Exhibit 14.
10	15	ARISTANDCA10499890 - ARISTANDCA10499894	Highly Confidential-	Exhibit 15 to the Candido Declaration is an internal
11		ARISTANDCAT0499094	Attorneys' Eyes Only	Arista e-mail message.
12				Compelling reasons justify the sealing of
				Exhibit 15 because it is a
13				competitively sensitive, confidential discussion
14				among Arista engineers
15				concerning the design of Arista software and
16				Arista sales strategies.
16				Compelling reasons justify the sealing of page
17				9 lines 19–22, page 19
18				lines 20–24, page 21 lines 25–27, and page 22
19				line 1 of Cisco's Motion
				for Partial Summary Judgment because they
20	16	ARISTANDCA10525014 -	Highly Confidential-	quote from Exhibit 15. Exhibit 16 to the Candido
21	10	ARISTANDCA10525014 -	Attorneys' Eyes	Declaration is an internal
22			Only	Arista e-mail message. Compelling reasons
22				justify the sealing of
23				Exhibit 16 because it is a discussion among Cisco
24				engineers concerning the
25				design of Arista software. Compelling reasons
26				justify the sealing of page 11 lines 7–10 of Cisco's
				Motion for Partial
27				Summary Judgment because it quotes from
28			9	Exhibit 16.

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1	Exhibit Number	Bates Numbers	Designation	Rationale
2	17	ARISTANDCA10537469 -	Highly Confidential-	Exhibit 17 to the Candido
3		ARISTANDCA10537470	Attorneys' Eyes Only	Declaration is an internal Arista e-mail message.
				Compelling reasons
4				justify the sealing of Exhibit 17 because it is a
5				discussion among Arista
6				engineers concerning the design of Arista software,
7				including the results of customer feedback.
				Compelling reasons
8				justify the sealing of page 9 lines 26–27 and page
9				10 line 1 of Cisco's
10				Motion for Partial Summary Judgment
				because they quote from
11				Exhibit 17. Arista is <u>not</u> seeking to seal Cisco's
12				characterizations of
13				Exhibit 17 on page 24 lines 26–27 of Cisco's
				Motion for Partial
14				Summary Judgment because they do not
15				disclose these highly
16	18	ARISTANDCA11406349	Highly Confidential-	confidential details. Exhibit 18 to the Candido
	10	TICISTATO DE ATTI-003-7	Attorneys' Eyes	Declaration is an internal
17			Only	Arista e-mail message. Compelling reasons
18				justify the sealing of
19				Exhibit 18 because the author discusses the
				design of Arista software.
20				Compelling reasons justify the sealing of page
21				10 lines 14–15 of Cisco's
22				Motion for Partial Summary Judgment
23				because it quotes from Exhibit 18.
23		<u> </u>	<u> </u>	EXHIUIT 10.

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1	Exhibit	Bates Numbers	Designation	Rationale
2	Number 19	ARISTANDCA11417372 -	Highly Confidential-	Exhibit 19 to the Candido
3		ARISTANDCA11417374	Attorneys' Eyes Only	Declaration is an internal Arista e-mail message.
4				Compelling reasons justify the sealing of
5				Exhibit 19 because it is a
				discussion among Arista business and sales
6				personnel concerning competitively sensitive
7				sales strategy. Arista is
8				not seeking to seal Cisco's characterizations
9				of Exhibit 19 in Cisco's Motion for Partial
				Summary Judgment
10				because the motion does not disclose these highly
11	20	ADIGEANDGALLOOZOOO		confidential details.
12	20	ARISTANDCA11992998 - ARISTANDCA11992999	Highly Confidential- Attorneys' Eyes	Exhibit 20 to the Candido Declaration is an internal
13			Only	Arista e-mail message. Compelling reasons
14				justify the sealing of
				Exhibit 20 because it is a discussion among Cisco
15				engineers concerning the design of Arista software.
16				Compelling reasons
17				justify the sealing of page 12 lines 7–10 of Cisco's
18				Motion for Partial Summary Judgment
				because it quotes from
19				Exhibit 20.

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1	Exhibit	Bates Numbers	Designation	Rationale
2	Number 21	ARISTANDCA11996919 -	Highly Confidential-	Exhibit 21 to the Candido
3		ARISTANDCA11996921	Attorneys' Eyes Only	Declaration is an internal Arista e-mail message.
4				Compelling reasons justify the sealing of
5				Exhibit 21 because it is a discussion among Cisco
6				engineers concerning analysis of competitors,
7				software design, and source code. Arista is
8				not seeking to seal Cisco's characterizations
9				of Exhibit 21 in Cisco's Motion for Partial
10				Summary Judgment because the motion does
11				not disclose these highly confidential details.
12	22	ARISTANDCA12060827	Highly Confidential- Attorneys' Eyes	Exhibit 22 to the Candido Declaration is an internal
13			Only	Arista e-mail message. Compelling reasons
14				justify the sealing of Exhibit 22 because it is a
15				discussion among Cisco engineers concerning the
16				design of Arista software. Compelling reasons
17				justify the sealing of page 10 lines 1–2 of Cisco's
18				Motion for Partial Summary Judgment
19				because it quotes from Exhibit 22.
19				Exhibit 22.

1	Exhibit	Bates Numbers	Designation	Rationale
2	Number 23	ARISTANDCA12063725 -	Highly Confidential-	Exhibit 23 to the Candido
3		ARISTANDCA12063726	Attorneys' Eyes Only	Declaration is an internal Arista e-mail message.
4				Compelling reasons justify the sealing of
5				Exhibit 23 because it is a discussion among Arista
6				business and sales personnel concerning
7				competitively sensitive sales strategy and
8				customer feedback. Compelling reasons
9				justify the sealing of page
				10 line 27 through page 11 line 1 of Cisco's
10				Motion for Partial Summary Judgment
11				because they quote from Exhibit 23.
12	24	ARISTANDCA12228912 -	Highly Confidential-	Exhibit 24 to the Candido
13		ARISTANDCA12228928	Attorneys' Eyes Only	Declaration is an internal Arista e-mail message
14				with attached product talking points used by
15				Arista's sales team.
				Compelling reasons justify the sealing of
16				Exhibit 24 because it contains competitively
17				sensitive confidential information concerning
18				Arista's business
19				development and sales strategies. Such
20				information would be valuable to competitors
21				and would harm Arista if publicly disclosed.
22				Compelling reasons justify the sealing of page
23				11 lines 17–21, page 16 lines 19–23, page 22
24				lines 16–17, and page 24
				lines 5–8 of Cisco's Motion for Partial
25				Summary Judgment because they quote from
26	:			Exhibit 24.

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1	Exhibit Number	Bates Numbers	Designation	Rationale
2	25	ARISTANDCA12260617	Highly Confidential-	Exhibit 25 to the Candido
3			Attorneys' Eyes Only	Declaration is a confidential e-mail
4				message between Arista and one of its customers. Compelling reasons
5				justify the sealing of Exhibit 25 because it
6				constitutes a sensitive customer communication
7				which discusses the design of Arista software.
8 9				Compelling reasons justify the sealing of page
				10 lines 6–8, page 16 lines 13–15, and page 22
10				lines 17–19 of Cisco's Motion for Partial
11				Summary Judgment
12				because they quote from Exhibit 25.
13	26	ARISTANDCA12426192	Highly Confidential- Attorneys' Eyes	Exhibit 26 to the Candido Declaration is an internal
14			Only	Arista e-mail message. Compelling reasons
15				justify the sealing of Exhibit 26 because it is a discussion among Cisco
16				engineers concerning sensitive software design
17				analysis. Arista is <u>not</u> seeking to seal Cisco's
18				characterizations of Exhibit 26 in Cisco's
19				Motion for Partial
20				Summary Judgment because the motion does
21				not disclose these highly confidential details.

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Exhibit Number	Bates Numbers	Designation	Rationale
40	ARISTANDCA12002592	Highly Confidential- Attorneys' Eyes Only	Exhibit 40 to the Candido Declaration is an internal Arista e-mail message.
			Compelling reasons justify the sealing of Exhibit 40 because it is a
			discussion among Cisco engineers concerning the
			design of Arista software. Compelling reasons justify the sealing of page
			9 lines 18–19 of Cisco's Motion for Partial
			Summary Judgment because it quotes from Exhibit 40.
41	None [Expert Report of John Black]	Highly Confidential- Subject to Protective	Exhibit 41 to the Candido Declaration is a single
		Order	page from the Opening Expert Report of John R.
			Black, Jr. that discusses several legacy (pre-Cisco) products and
			command-line interfaces that supported some of
			the accused commands, modes, and prompts in dispute in this case, and
			the testimony of Cisco witnesses regarding those
			legacy systems. Arista is not seeking to seal
			Exhibit 41, as it does not discuss any sensitive and confidential Arista matters.
44	None [Deposition of Kirk Lougheed]	Highly Confidential- Attorneys' Eyes	Arista is <u>not</u> seeking to seal Exhibit 44, as it does
	9 · · · · · · · · · · · · · · · · · · ·	Only	not discuss any sensitive and confidential Arista matters.
45	None [Sadana Depo Exhibit 382]	None	Arista is <u>not</u> seeking to seal Exhibit 45, as it does not discuss any sensitive and confidential Arista matters.

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1	Exhibit	Bates Numbers	Designation	Rationale
	Number		_	
2	46	None [Deposition of Anshul	Highly Confidential-	Exhibit 46 to the Candido
3		Sadana, Vol. 1]	Attorneys' Eyes Only	Declaration is an excerpt from the March 17, 2016 deposition of Anshul
4				Sadana. Compelling reasons justify the
5				sealing of Exhibit 46 because it contains
6				sensitive business
7				information concerning Arista software design,
8				customer feedback, sales strategy, and reference
9				confidential internal conversations and
10				documents. Compelling reasons also justify the
11				sealing of page 10 lines 3–6 and page 15 lines
12				17–19 of Cisco's Motion for Partial Summary
13				Judgment because they quote from Exhibit 46.
14				

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1	Exhibit Number	Bates Numbers	Designation	Rationale
2	47	None [Deposition of Adam	Highly Confidential-	Exhibit 47 to the Candido
3		[Sweeney]	Attorneys' Eyes Only	Declaration is an excerpt from the January 29,
4				2016 deposition of Adam Sweeney. Compelling
5				reasons justify the sealing of page 165 line 7
6				through page 176 line 25 and page 216 line 1
7				through page 219 line 25 of Exhibit 47 because
8				they contain confidential information concerning Arista software design,
9				customer feedback, sales strategy, and reference
10				confidential internal
11				conversations and documents. Arista does
12				not seek to seal the remaining portions of
13				Exhibit 47, which do not discuss sensitive and
14				confidential Arista matters. Compelling
15				reasons do justify the sealing of page 7 line 23
16				through page 8 line 1, page 18 lines 17–21 of
17				Cisco's Motion for Partial Summary
18				Judgment because they quote from Exhibit 47.
19	48	None [Arista's Further Supp. Responses to Cisco's First,	Contains Confidential	Arista is <u>not</u> seeking to seal Exhibit 48, as it does
20		Third, and Fourth Set of Rogs. (Nos. 10-12, 13, 15-18, and 21)]	Information Subject to Protective Order	not discuss any sensitive and confidential Arista
21				matters.

	T		<u> </u>	
1	Exhibit Number	Bates Numbers	Designation	Rationale
2	51	ARISTANDCA12265213- ARISTANDCA12265217	Highly Confidential- Attorneys' Eyes	Exhibit 51 to the Candido Declaration is a
3			Only	confidential e-mail message between Arista
4				and one of its customers. Compelling reasons
5				justify the sealing of Exhibit 51 because it
6				constitutes a sensitive customer communication
7				which discusses the design of Arista software
8				and contains customer feedback and identifying
9				information. Arista is not seeking to seal
10				Cisco's characterizations of Exhibit 51 in Cisco's
11				Motion for Partial Summary Judgment
12				because the motion does
10				not disclose these highly
13	52	ARISTANDCA13004347-	Highly Confidential-	confidential details. Exhibit 52 to the Candido
14		ARISTANDCA13004347- ARISTANDCA13004379	Attorneys' Eyes	Declaration is a
			Only	confidential customer
15				sales presentation
16				attached to an internal e- mail message.
10				Compelling reasons
17				justify the sealing of
18				Exhibit 52 because it contains highly
				competitively sensitive
19				business information and sales strategy that could
20				be exploited by Arista's
21				competitors. Arista is not seeking to seal
22				Cisco's characterizations
22				of Exhibit 52 in Cisco's Motion for Partial
23				Summary Judgment
				because the motion does
24				not disclose these highly
25		<u> </u>		confidential details.

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1	Exhibit	Bates Numbers	Designation	Rationale
	Number	ADIGEAND CA 10120002	III 11 C C' 1	F 1314 52 4 1 G 133
2	53	ARISTANDCA 10120802-	Highly Confidential-	Exhibit 53 to the Candido
3		ARISTANDCA10120803	Attorneys' Eyes Only	Declaration is a confidential email
٦				communication between
4				Arista sales engineers
_				and a prospective
5				customer. Compelling
6				reasons justify the sealing of Exhibit 53
0				because Arista maintains
7				the identity of its
				prospective customers as
8				highly confidential and
9				sensitive business information, and the
				substance of the email
10				reveals Arista's highly
				confidential sales
11				strategies, including
12				Arista's talking points about its products for
				prospective customers,
13				which Arista protects as
14				highly confidential
14				competitive information. Arista is not seeking to
15				seal Cisco's
				characterization of
16				Exhibit 53 in Cisco's
17				Motion for Partial Summary Judgment
1				because the motion does
18				not disclose these highly
10				confidential details.
19				
•				

1	Exhibit	Bates Numbers	Designation	Rationale
2	Number 55	None [Cisco's Supp. Obj. and	Highly Confidential-	Exhibit 55 to the Candido
3		Resp. to Arista's Rogs. Nos. 2-10]	Attorneys' Eyes Only; Highly	Declaration consists of discovery responses from
4		-1	Confidential-Source Code	Cisco that contain a discussion and analysis
			Code	of highly confidential
5				Arista source code for its Extensible Operating
6				System ("EOS"). Compelling reasons
7				justify the sealing of the highlighted portion (Page
8				16, lines 4 to 24) of Exhibit 55 because it
9				contains and reveals sensitive confidential
10				information concerning the structure,
11				organization, and other non-public aspects of
12				Arista's source code, and
13				the proposed redactions to Exhibit 55 are
14				narrowly tailored to those disclosures. Arista is <u>not</u>
15				seeking to seal Cisco's characterizations of
16				Exhibit 55 in Cisco's Motion for Partial
17				Summary Judgment because the motion does
18				not disclose these highly confidential details.
19	58	None [Cisco's Corrected Supp.	Contains Highly	Exhibit 58 to the Candido
20		Obj. and Resp. to Arista's Rogs. Nos. 21, 24 & 25]	Confidential Attorney's Eyes	Declaration consists of discovery responses from
21		1105.21,216.20]	Only Information Subject to Protective	Cisco. Arista is <u>not</u> seeking to seal the
22			Order	highlighted portions of Exhibit 58 because they
23				contain only Cisco's legal arguments and
24				high-level
25				mischaracterizations of Arista deposition
				testimony and documents. The handful
26				of single-line deposition transcript excerpts in
27				Exhibit 58 need not be sealed.
28			20	

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1	Exhibit	Bates Numbers	Designation	Rationale
	Number			
2	64	None [Deposition of Andreas	Highly Confidential-	Exhibit 64 to the Candido
٦		Bechtolsheim]	Outside Attorneys'	Declaration is a short
3			Eyes Only Subject to	excerpt from the
,			Protective Order	deposition transcript of
4				Andreas Bechtolsheim.
٦				Arista is <u>not</u> seeking to
۱ ا				seal Exhibit 64, as it does not discuss sensitive and
6				confidential Arista
١,				matters.
7				mancis.
´		<u> </u>		

1	Exhibit Number	Bates Numbers	Designation	Rationale
2	65	None [Deposition of Mark	Highly Confidential-	Exhibit 65 to the Candido
3		Berly]	Attorneys' Eyes Only; Pursuant to	Declaration is an excerpt from the deposition
4			Protective Order	transcript of Mark Edward Berly.
5				Compelling reasons justify the sealing of the
6				following portions of Exhibit 65: page 88, lines
7				3-25; page 89 line 22
				through page 90 line 25; and page 238, lines 11-
8				25. The above sections of Exhibit 65 discuss and
9				reveal sensitive confidential and
10				competitive information concerning Arista's sales,
11				marketing, product launch, and customer
12				research efforts and strategy, which Arista
13				maintains as highly confidential. Such
14				information would be valuable to competitors
15				and would harm Arista if
16				publicly disclosed. Arista does <u>not</u> seek to
17				seal the remaining portions of Exhibit 65,
18				which do not discuss sensitive and confidential
19				Arista matters. Arista is not seeking to seal
20				Cisco's characterizations of Exhibit 65 in Cisco's
21				Motion for Partial Summary Judgment
22				because the motion does not disclose these highly
23				confidential details.
24	66	None [Deposition of Lincoln	Highly Confidential-	Exhibit 66 to the Candido
		Dale]	Attorneys' Eyes Only Subject to	Declaration is an excerpt from the deposition
25			Protective Order	transcript of Lincoln Dale. Arista is <u>not</u>
26				seeking to seal Exhibit 66, as it does not discuss
27				sensitive and confidential Arista matters.
28			22	

1	Exhibit	Bates Numbers	Designation	Rationale
1	Number	bates Numbers	Designation	Kationale
2	67	None [Deposition of Kenneth Duda]	Highly Confidential- Attorneys' Eyes	Exhibit 67 to the Candido Declaration is an excerpt
3			Only Subject to Protective Order	from the deposition transcript of Kenneth
4				Duda. Compelling reasons justify the
5				sealing of the following portions of Exhibit 67: page 176, line 24 through
7				page 176, line 24 through page 178, line 25; page 325, line 2 through page
8				330, line 25; and page 345, lines 1-20. The
9				above sections of Exhibit 67 discuss and reveal
10				sensitive confidential information concerning
11				the networking tools and equipment used by
12				Arista's customers, which Arista maintains as highly confidential.
13				Such information is confidential to Arista's
14				customers and their networks, and would
15				cause harm to those customers if publicly
16				disclosed. The above sections of Exhibit 67
17 18				also discuss highly confidential and sensitive
19				internal Arista emails between software
20				engineers regarding the development of Arista EOS product
21				functionality, as well as confidential technical
22				materials prepared for prospective Arista
23				customers. Arista is <u>not</u> seeking to seal Cisco's
24				characterizations of Exhibit 67 in Cisco's
25				Motion for Partial Summary Judgment because the motion does
26				not disclose these highly confidential details.
27				confidential details.
28		_1	22	1

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1	Exhibit Number	Bates Numbers	Designation	Rationale
2	68	None [Deposition of Mark	Highly Confidential-	Exhibit 68 to the Candido
3		Foss]	Attorneys' Eyes Only Subject to	Declaration is an excerpt from the deposition
			Protective Order	transcript of Mark Foss.
4				Compelling reasons
5				justify the sealing of page 101, lines 9-25 of Exhibit
6				68. The above section of Exhibit 68 discusses and
١				reveals sensitive
7				confidential and
8				competitive information concerning Arista's
6				internal, non-public
9				market research and
10				analysis efforts and strategies. Such
10				information would be
11				valuable to competitors
12				and would harm Arista if publicly disclosed.
				Arista does not seek to
13				seal the remaining
14				portions of Exhibit 68, which do not discuss
				sensitive and confidential
15				Arista matters. Arista is
16				not seeking to seal Cisco's characterizations
				of Exhibit 68 in Cisco's
17				Motion for Partial
18				Summary Judgment because the motion does
				not disclose these highly
19				confidential details.
20				

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1	Exhibit Number	Bates Numbers	Designation	Rationale
2	69	None [Deposition of Sean	Highly Confidential-	Exhibit 69 to the Candido
3		Hafeez]	Attorneys' Eyes Only Pursuant to Protective Order	Declaration is an excerpt from the deposition
4			Flotective Order	transcript of Sean Hafeez. Compelling reasons justify the
5				sealing of Exhibit 69 in its entirety because the
6				excerpted testimony discusses and reveals
7				sensitive confidential and competitive information
8				concerning Arista's internal, non-public
9				competitive testing and analysis efforts. Such
10				information would be valuable to competitors
11				and would harm Arista if publicly disclosed.
12				Arista is <u>not</u> seeking to seal Cisco's
13				characterizations of Exhibit 69 in Cisco's
14				Motion for Partial Summary Judgment
15				because the motion does not disclose these highly
16				confidential details.
17	70	None [Deposition of Hugh Holbrook]	Highly Confidential- Attorneys' Eyes	Exhibit 70 to the Candido Declaration is an excerpt
18		HODOW	Only; Subject to Protective Order	from the deposition transcript of Hugh
19			1 Totalive Order	Holbrook. Arista is <u>not</u> seeking to seal Exhibit
20				70, as it does not discuss sensitive and confidential
21				Arista matters.
22	<u> </u>	1	1	

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1	Exhibit Number	Bates Numbers	Designation	Rationale
2	72	None [Deposition of Lorenz	None	Exhibit 72 to the Candido
3		Redlefsen]		Declaration is an excerpt from the deposition
				transcript of Lorenz
4				Redlefsen. Compelling reasons justify the
5				sealing of page 39, lines
6				2-18. The above section of Exhibit 72 discusses
١				and reveals sensitive
7				confidential information
8				concerning Arista's internal, non-public
				development process
9				relating to its EOS product line. Arista is
10				not seeking to seal the
11				remaining portions of Exhibit 72, as they do not
				discuss sensitive and
12				confidential Arista matters. Arista is not
13				seeking to seal Cisco's
14				characterizations of
14				Exhibit 72 in Cisco's Motion for Partial
15				Summary Judgment
16				because the motion does not disclose these highly
				confidential details.
17	74	None [Deposition of Jayshree	Highly Confidential-	Arista is <u>not</u> seeking to
18	/ 1	Ullal]	Attorneys' Eyes	seal Exhibit 74, as it does
19			Only Pursuant to	not discuss sensitive and
			Protective Order	confidential Arista matters.
20			•	

1	Exhibit Number	Bates Numbers	Designation	Rationale
2 3	75	None [Deposition of Jayshree Ullal]	Confidential Business Information	Exhibit 75 to the Candido Declaration is an excerpt from the August 12, 2015
4			Pursuant to the Protective Order	deposition of Jayshree Ullal. Compelling
5				reasons justify the sealing of Exhibit 75
6				because it contains information concerning the termination of an
7				Arista employee, which is considered confidential
8				under California law. Compelling reasons
9				justify the sealing of page 10 lines 17–21 of Cisco's
10				Motion for Partial Summary Judgment because it quotes from
12	76	None [Deposition of Mike	Highly Confidential-	Exhibit 75. Arista is not seeking to
13	70	Volpi]	Attorneys' Eyes Only; Subject to	seal Exhibit 76, as it does not discuss sensitive and
14			Protective Order	confidential Arista matters.
15	77	ANI-ITC-944_945-3452526- ANI-ITC-944_945-3452598	Contains Confidential	Exhibit 77 to the Candido Declaration is a
16			Business Information - Subject to the	confidential usability comparison study comparing the
17			Protective Order	performance of Arista EOS to Cisco products.
18				Compelling reasons justify the sealing of
19 20				Exhibit 77 because it contains highly competitively sensitive
21				business and technical information that could be
22				exploited by Arista's competitors. Arista is
23				not seeking to seal Cisco's characterizations
24				of Exhibit 77 in Cisco's Motion for Partial Summary Judgment
25				because the motion does not disclose these highly
26				confidential details.
27		1		

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1	Exhibit Number	Bates Numbers	Designation	Rationale
2	78	ANI-ITC-944_945-345648-	Contains	Exhibit 78 to the Candido
3		ANI-ITC-944_945-345650	Confidential Business Information -	Declaration is an internal Arista e-mail message. Compelling reasons
4			Subject to the Protective Order	justify the sealing of Exhibit 78 because it is a
5			Trotective order	discussion among Arista engineers and business
6				personnel concerning the design of Arista software,
7				including the results of customer feedback.
8				Arista is <u>not</u> seeking to seal Cisco's
9 10				characterizations of Exhibit 78 in Cisco's
10				Motion for Partial Summary Judgment
11				because the motion does
12				not disclose these highly confidential details.
13	79	ARISTANDCA10549782	Highly Confidential- Attorneys' Eyes	Exhibit 79 to the Candido Declaration is an internal
14			Only	Arista e-mail message. Compelling reasons
15				justify the sealing of Exhibit 79 because it is a
16				discussion among Cisco engineers concerning the
17				design of Arista software. Arista is <u>not</u> seeking to seal Cisco's
18				characterizations of Exhibit 79 in Cisco's
19				Motion for Partial
20				Summary Judgment because the motion does
21				not disclose these highly confidential details.

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1	Exhibit Number	Bates Numbers	Designation	Rationale
2	80	ANI-ITC-944_945-3461154-	Contains	Exhibit 80 to the Candido
3		ANI-ITC-944_945-3461157	Confidential Business	Declaration is an internal Arista e-mail message.
4			Information - Subject to the	Compelling reasons justify the sealing of
			Protective Order	Exhibit 80 because it is a
5				discussion among Arista engineers and business
6				personnel concerning the design of Arista software,
7				including the results of
8				customer feedback. Arista is <u>not</u> seeking to
9				seal Cisco's characterizations of
				Exhibit 80 in Cisco's
10				Motion for Partial Summary Judgment
11				because the motion does
12				not disclose these highly confidential details.
13	81	ARISTANDCA12229610- ARISTANDCA12229612	Highly Confidential- Attorneys' Eyes	Exhibit 81 to the Candido Declaration is an internal
14			Only	Arista e-mail message.
				Compelling reasons justify the sealing of
15				Exhibit 81 because it is a discussion among Arista
16				business and sales
17				personnel concerning competitively sensitive
18				sales strategy, pricing information, and
19				customer feedback.
				Arista is <u>not</u> seeking to seal Cisco's
20				characterizations of Exhibit 81 in Cisco's
21				Motion for Partial
22				Summary Judgment because the motion does
23				not disclose these highly confidential details.
		1	<u> </u>	

Designation

Only

Highly Confidential-

Attorneys' Eyes

Rationale

Exhibit 82 to the Candido

Declaration is an internal Arista e-mail message.

Compelling reasons justify the sealing of Exhibit 82 because it is a discussion among Arista business and sales personnel concerning competitively sensitive

sales strategy,

seal Cisco's

competitive analysis, pricing information, and customer feedback. Arista is not seeking to

characterizations of Exhibit 82 in Cisco's Motion for Partial Summary Judgment because the motion does not disclose these highly confidential details.

Bates Numbers

ARISTANDCA11975291-

_	ARISTANDCA11975295
3	ARISTANDCATT9/3293
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Exhibit Number 82

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7. Exhibit 1 to the Declaration of Judith A. Chevalier in Support of Cisco's Motion for Partial Summary Judgment is the Rebuttal Expert Report on Fair Use of Judith A. Chevalier. The redacted portions of Exhibit 1 protect extensive Arista highly confidential business information obtained by Cisco through discovery, including deposition testimony and internal emails concerning sales strategy and product development. Compelling reasons justify the sealing of the redacted portions of Exhibit 1 because they contain sensitive business information. Arista is <u>not</u> seeking to seal Cisco's characterizations of Exhibit 1 in Cisco's Motion for Partial Summary Judgment because the motion does not disclose these highly confidential details.

8. Exhibit 1 to the Declaration of Kevin Almeroth in Support of Cisco's Motion for Partial Summary Judgment contains 583 pages of Cisco's Opening Expert Report of Kevin Almeroth. The redacted portions of Exhibit 1 protect extensive Arista highly confidential business information obtained by Cisco through discovery, including deposition testimony concerning the internal workings of Arista software and source code. The redacted portions of Exhibit 1 also protect confidential Arista documents and emails relating to marketing strategy and product development. Compelling reasons justify the sealing of the redacted portions of Exhibit 1

because they contain sensitive business information, with the exception of paragraphs 108 citing CSI-CLI00608716; 112 citing Sweeney Dep. 184:5-185:18, 186:21-187:6; Ullal Dep. 253:14-254:7; Dale Dep. 148:19-149:11, 150:4-25, 152:9-25, 153:15-154:9 and 120 citing Arista's interrogatory response to Cisco's Interrogatory No. 10, which Arista is not seeking to seal. Arista is also not seeking to seal Cisco's characterizations of Exhibit 1 in Cisco's Motion for Partial Summary Judgment because the motion does not disclose these highly confidential details.

9. Exhibit 2 to the Declaration of Kevin Almeroth in Support of Cisco's Motion for Partial Summary Judgment contains 50 pages of Cisco's Rebuttal Expert Report of Kevin Almeroth. The redacted portions of Exhibit 2 protect extensive Arista highly confidential business information obtained by Cisco through discovery, including deposition testimony concerning the internal workings of Arista software. The redacted portions of Exhibit 2 also protect confidential Arista documents and emails relating to marketing strategy and product development. Compelling reasons justify the sealing of the redacted portions of Exhibit 2 because they contain sensitive business information. Arista is <u>not</u> seeking to seal Cisco's characterizations of Exhibit 2 in Cisco's Motion for Partial Summary Judgment because the motion does not disclose these highly confidential details.

Executed July 8, 2016, at San Francisco, California.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DAVID SILBERT